

SOUTH AFRICA / JUDGMENT

Kobe and Another v Commission for Conciliation, Mediation and Arbitration and Others (J1003/17) [2021] ZALCJHB 294 (22 September 2021)

[2021] ZALCJHB 294

COURT

Labour Court Johannesburg

BEFORE

Tlhotlhamajane

CASE / FILE NUMBER

J1003/17

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IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

J 1003/17

In the matter between:

JUNIUS KOBE First

Applicant

MALOSE PETER MOGODI Second

Applicant

and

COMMISSION FOR CONCILIATION

MEDIATION AND ARBITRATION First

Respondent

MASHIGO MICHAEL LATI N.O. Second

Respondent

MOGALAKWENA PLATINUM MINE Third

Respondent

Decided in Chambers:

Delivered: This judgment was handed down electronically by circulation to the parties' legal representatives by email and publication on the Labour Court's website. The date and time for hand-down is deemed to be 22 September 2021 at 14:00

JUDGMENT: LEAVE TO APPEAL

TLHOTLHALEMAJE, J

- [1] On 4 April 2021, this Court delivered judgment wherein the first and second applicants' application to revive and reinstate the review application was dismissed with no order as to costs. The applicants have since filed an application for leave to appeal against the whole judgment and order.
- [2] The applicants filed the application for leave to appeal on or about 22 April 2021. In terms of rule 30(3A) of the Rules of this Court read with paragraph 15.2 of the Practice Manual, the applicants ought to have filed written submissions in support of the application for leave to appeal within 10 days from filing of the Notice of leave to appeal. Since 22 April 2021, these provisions have not been complied with, and as a consequence of that non-compliance, the purported application for leave to appeal is not properly before the Court, and ought to be therefore dismissed.
- [3] Accordingly, the following order is made;

Order:

1. The First and Second Applicants' application for leave to appeal is dismissed.
2. There is no order as to costs.

Edwin Tlhotlhemaje

Judge of the Labour Court of South Africa

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